

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-cr-60038-Dimitrouleas/Snow

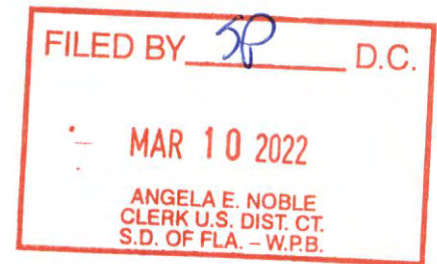
18 U.S.C. § 922(g)(5)(A)
18 U.S.C. § 554
18 U.S.C. § 922(e)
18 U.S.C. § 924(d)(1)
18 U.S.C. § 981(a)(1)(C)

UNITED STATES OF AMERICA

v.

MICHAEL ABARCA ESPINALES,
a/k/a "Michael Abarca,"

Defendant.



INDICTMENT

The Grand Jury charges that:

COUNT 1

Possession of a Firearm by an Unlawful Alien
(18 U.S.C. § 922(g)(5))

Between on or about July 11, 2021, and on or about August 16, 2021, in Broward County and Miami-Dade County, in the Southern District of Florida, the defendant,

MICHAEL ABARCA ESPINALES,
a/k/a "Michael Abarca,"

being an alien illegally and unlawfully in the United States, did knowingly possess a firearm, in and affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(5)(A).

It is further alleged that the firearms are:

- (i) one (1) Smith and Wesson, model M&P Shield, .45 caliber handgun,
- (ii) one (1) FIME Group Rex, model Zero 1 Tactical, 9-millimeter handgun,
- (iii) one (1) Girsan, model MC 28SA, 9-millimeter handgun,
- (iv) two (2) Springfield Armory, model Hellcat, 9-millimeter handguns,
- (v) one (1) Smith and Wesson, model M&P Shield EZ, 9-millimeter handgun,
- (vi) one (1) Beretta, model 92X, 9-millimeter handgun, and
- (vii) one (1) FN Herstal, model 509, 9-millimeter handgun.

COUNT 2
Smuggling Firearms from the United States
(18 U.S.C. § 554)

On or about August 16, 2021, in Miami-Dade County, in the Southern District of Florida, the defendant,

MICHAEL ABARCA ESPINALES,
a/k/a “Michael Abarca,”

did fraudulently and knowingly export and send, and did attempt to export and send, from the United States to a place outside thereof, that is, Ecuador, any merchandise, article, and object, that is, a firearm, contrary to any law and regulation of the United States, in violation of Title 18, United States Code, Sections 554 and 2.

It is further alleged that the firearms are:

- (i) one (1) Smith and Wesson, model M&P Shield, .45 caliber handgun,
- (ii) one (1) FIME Group Rex, model Zero 1 Tactical, 9-millimeter handgun,
- (iii) one (1) Girsan, model MC 28SA, 9-millimeter handgun,
- (iv) two (2) Springfield Armory, model Hellcat, 9-millimeter handguns,
- (v) one (1) Smith and Wesson, model M&P Shield EZ, 9-millimeter handgun,

- (vi) one (1) Beretta, model 92X, 9-millimeter handgun, and
- (vii) one (1) FN Herstal, model 509 FDE, 9-millimeter handgun.

COUNT 3

**Delivery of a Firearm to a Common Carrier Without Written Notification
(18 U.S.C. § 922(e))**

On or about August 16, 2021, in Miami-Dade County, in the Southern District of Florida, the defendant,

**MICHAEL ABARCA ESPINALES,
a/k/a “Michael Abarca,”**

did knowingly and willfully deliver and cause to be delivered to a common and contract carrier for transportation and shipment in interstate and foreign commerce, to a person, other than a licensed importer, manufacturer, dealer, and collector, a package and other container in which there was a firearm, without written notice to the carrier that such firearm was being transported and shipped, in violation of Title 18, United States Code, Sections 922(e) and 924(a)(1)(D).

FORFEITURE ALLEGATIONS

The allegations of this Indictment are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States of America of certain property in which the defendant, **MICHAEL ABARCA ESPINALES**, a/k/a “Michael Abarca,” has an interest.


1. Upon conviction of a violation of Title 18, United States Code, Sections 922 or 924, or any other criminal laws of the United States, as alleged in this Indictment, the defendant shall forfeit to the United States any firearm and ammunition involved in or used in the commission of such offense, pursuant to Title 18, United States Code, Section 924(d)(1).

2. Upon a conviction of a violation, of Title 18, United States Code, Section 554, as alleged in this Indictment, the defendant shall forfeit to the United States any property, real or personal, which constituted or is derived from proceeds traceable to such offense, pursuant to Title 18, United States Code, Section 981(a)(1)(C).

All pursuant to Title 21, United States Code, Sections 924(d)(1) and the procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 981(a)(1)(C) and the procedures set forth in Title 21, United States Code, Section 853, as incorporated by Title 28, United States Code, Section 2461(c).

A TRUE BILL

FOREPERSON



JUAN ANTONIO GONZALEZ
UNITED STATES ATTORNEY



ADAM C. McMICHAEAL
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. 22-cr-60038-Dimitrouleas/Snow

v.

MICHAEL ABARCA ESPINALES,
a/k/a "Michael Abarca"
Defendant/

CERTIFICATE OF TRIAL ATTORNEY*

Superseding Case Information:

Court Division: (Select One)

☐ Miami ☐ Key West ☐ FTL
☒ WPB ☐ FTP

New defendant(s) ☐ Yes ☐ No

Number of new defendants _____

Total number of counts _____

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) **Yes**
List language and/or dialect Spanish

4. This case will take 4-5 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)

I	0 to 5 days	<input checked="" type="checkbox"/>
II	6 to 10 days	<input type="checkbox"/>
III	11 to 20 days	<input type="checkbox"/>
IV	21 to 60 days	<input type="checkbox"/>
V	61 days and over	<input type="checkbox"/>

(Check only one)

Petty	<input type="checkbox"/>
Minor	<input type="checkbox"/>
Misdemeanor	<input type="checkbox"/>
Felony	<input checked="" type="checkbox"/>

6. Has this case previously been filed in this District Court? (Yes or No) No

If yes: Judge _____ Case No. _____

(Attach copy of dispositive order)

Has a complaint been filed in this matter? (Yes or No) **No**

If yes: Magistrate Case No. _____

Related miscellaneous numbers: _____

Defendant(s) in federal custody as of _____

Defendant(s) in state custody as of _____

Rule 20 from the District of _____

Is this a potential death penalty case? (Yes or No) **No**

7. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia O. Valle)? (Yes or No) **No**
8. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shanick Maynard)? (Yes or No) **No**
9. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss)? (Yes or No) **No**

Adam C. McMichael

ADAM McMICHAEL

Assistant United States Attorney

FLA Bar No. 0772321

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

CASE NO. 22-cr-60038-Dimitrouleas/Snow

Defendant's Name: MICHAEL ABARCA ESPINALES

COUNT	VIOLATION	U.S. CODE	MAX. PENALTY
1	Possession of a firearm by an unlawful alien	18 U.S.C. § 922(g)(5)(A)	10 years' imprisonment \$250,000 fine 3 years' supervised release \$100 special assessment
2	Smuggling goods from the United States	18 U.S.C. § 554	10 years' imprisonment \$250,000 fine 3 years' supervised release \$100 special assessment
3	Failure to notify common carrier of shipped firearm	18 U.S.C. § 922(e)	5 years' imprisonment \$250,000 fine 3 years' supervised release \$100 special assessment
	Forfeiture		